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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,861	03/22/2004	Christopher E. Meyer	SECWR-005A	1780
7663	7590	12/30/2005	EXAMINER	
STETINA BRUNDA GARRED & BRUCKER 75 ENTERPRISE, SUITE 250 ALISO VIEJO, CA 92656			SCHRODE, WILLIAM THOMAS	
			ART UNIT	PAPER NUMBER
			3676	
DATE MAILED: 12/30/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/805,861	Applicant(s) MEYER ET AL.	
	Examiner William Schrode	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) 12, 14, 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13 and 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>See Continuation Sheet</u> . |

DETAILED ACTION

Election/Restrictions

The following office action is in response to the species election. Applicant's election without traverse of Species III in the reply filed on 12/05/2005 is acknowledged.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In regard to claim 1 and 4, the scope of the claim is unclear because the applicant does not positively recite that the lock device is secured to a computer having a protruding member, however the applicant claims that the capturing channel is sized and configured to the protruding member. This is unclear because the applicant is describing the size of the channel with respect to an element that has not been positively claimed. Therefore, since one does not know the size of the protruding member, one also would not know the size of the channel. As "best understood" the examiner will examine the claim to teach just a capturing channel until further corrections are made.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3676

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Nee (5,259,223). In regard to claim 1, as "best understood" Nee teaches a lock device comprising a lock housing (20) having a capturing channel (the channel defined by 30 and 46) to receive a protruding member; and a lock member (80) attached to the lock housing and having a lock portion (82) sized and configured to extend to the capturing channel for retaining the protruding member. Although Nee does not specifically disclose that his device is used with a computer, the examiner would like to point out that the claim does not positively claim a computer. Therefore, since Nee discloses all of the structural features of the claim, his device is inherently capable of performing the same functions as applicant's device, thus, Nee's capturing channel is inherently capable of being sized and configured to receive a protruding member extending outwardly from the computer.

In regard to claim 5, as "best understood" Nee teaches a lock device wherein the lock housing has a locking channel (64) in communication with the capturing channel and extending generally perpendicular thereto, the lock portion being disposed within the locking channel and having a lock engaging portion (86) configured to extend into the capturing channel for retaining the protruding member within the capturing channel.

In regard to claim 2 and 6, as "best understood" Nee teaches a lock device wherein the capturing channel has a receiving channel (A, See Examiner's Attachment) portion and a capturing channel (46) portion, the receiving channel portion being sized and configured to receive the protruding member therethrough, the capturing channel

portion being sized and configured to engage the protruding member when the protruding member slides thereto from the receiving channel portion, the lock engaging portion being extendable into the receiving channel portion and be maintainable therabout when the protruding member is placed about the capturing channel portion.

In regard to claim 3, as “best understood” Nee teaches a lock device wherein the capturing channel defines an interior channel surface, the interior channel surface having a capturing flange (48) formed generally around the capturing channel portion to narrow the capturing channel thereabout so as to frictionally engage the protruding member about the capturing channel portion.

In regard to claim 4, as “best understood” Nee teaches a lock device wherein the protruding member has a protruding body (96) and a protruding head (92) the protruding head being generally larger in diameter than the protruding body, the receiving channel portion being sized to correspond to the protruding body so as to allow the protruding head to be received therethrough, the capturing channel portion being sized to correspond to the protruding body so as to allow the protruding body to be engaged therewithin.

Claims 9-10, 13, 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Cheng (5,447,044). In regard to claim 9, Cheng teaches a computer (30) comprising a computer body having a protruding member (A) extending outwardly therefrom; and a locking device (10) comprising: a lock housing having a capturing channel (11) sized and configured to receive the protruding member extending outwardly from the computer; and a lock member (21) attached to the lock housing and having a lock

portion (B, See Examiner's Attachment I) sized and configured to extend to the capturing channel for retaining the protruding member therewithin so as to secure the computer.

In regard to claim 10, Cheng teaches a computer wherein the computer body is a body of a laptop computer.

In regard to claim 13, Cheng teaches a computer wherein the protruding member is movably attached to the computer body, the protruding member being movable away from the computer body for forming an extended position when engaging the capturing channel, the protruding member being movable toward the computer body for forming a retracted position when engagement to the capturing channel is not necessitated.

In regard to claim 18, Cheng teaches a computer wherein the lock housing has a locking channel (12) in communication with the capturing channel and extending generally perpendicular thereto, the lock portion being disposed within the locking channel and having a lock engaging portion (C, See Examiner's Attachment I) configured to extend into the capturing channel for retaining the protruding member within the capturing channel so as to secure the computer.

In regard to claim 17 and 19, Cheng teaches a computer wherein the capturing channel has a receiving channel portion (111) and a capturing channel portion (112), the receiving channel portion being sized and configured to receive the protruding member therethrough, the capturing channel portion being sized and configured to engage the protruding member when the protruding member slides thereto from the receiving channel portion, the lock engaging portion being extendable into the receiving

channel portion and be maintainable thereabout when the protruding member is placed about the capturing channel portion.

In regard to claim 20, Cheng teaches a computer further comprising an elongated securing member (22) and wherein the lock housing has a securing channel (221) generally perpendicular to the capturing channel, the securing member having a securing end configured to be contained within the securing channel and be movable therealong.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nee.

In regard to claim 7, as "best understood" Nee teaches the claimed lock device except for the lock device further comprising an elongated securing member and wherein the lock housing has a securing channel extending generally perpendicular to the capturing channel, the securing member having a securing end configured to be contained within the securing channel and be movable therealong. It would have been obvious to one having ordinary skill in the art at the time the invention to construct lock device comprising a securing member and wherein a securing channel can be perpendicular to the capturing channel, the securing member having a securing end configured to be contained within the securing channel and be movable therealong, since such a

Art Unit: 3676

modification is well known in the art to provide a means to secure the lock to a leg of a table or tree.

In regard to claim 8, as "best understood" Nee fails to teach a lock device wherein the elongated securing member is a cable. It would have been obvious to one having ordinary skill in the art to have constructed a lock device wherein the securing member is a cable, since such a modification is well known in the art to provide a stronger securing means.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng (5,447,044). In regard to claim 11, Cheng teaches a computer wherein the protruding member is a pin. Although Cheng doesn't teach the protruding member fabricated from a metallic material it is well known in the art to fabricate a protruding member from metallic material. It would have been obvious to one having ordinary skill in the art at the time of the invention to fabricate a protruding member from a metallic material, since such a modification is well known to provide a durable protruding member.

Allowable Subject Matter

Claim 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. In regard to claim 16, Cheng does not teach a protruding member spring loaded within the computer body. The examiner is aware that prior art teach spring loaded protruding members but Cheng's invention cannot be modified because it would destroy the scope of the invention.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cheng, Singer et al., Nee, Johnson et al., Putnam, Bellow JR. et al., Derman, Zakow.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Schrode whose telephone number is (571)272-1647. The examiner can normally be reached on Mon-Fri 9AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571)272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WS
12/19/05



BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER

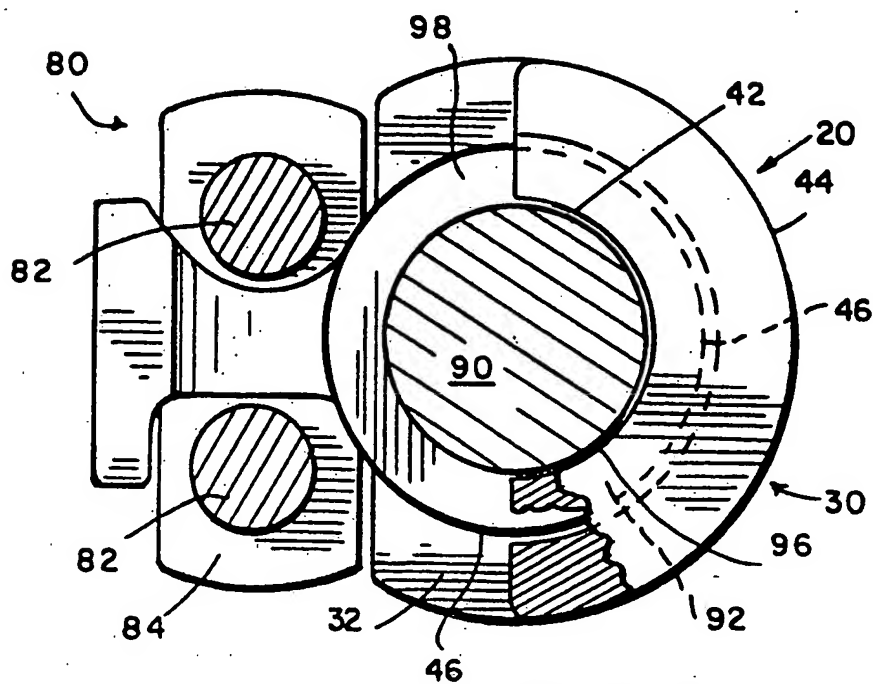


FIG. 3

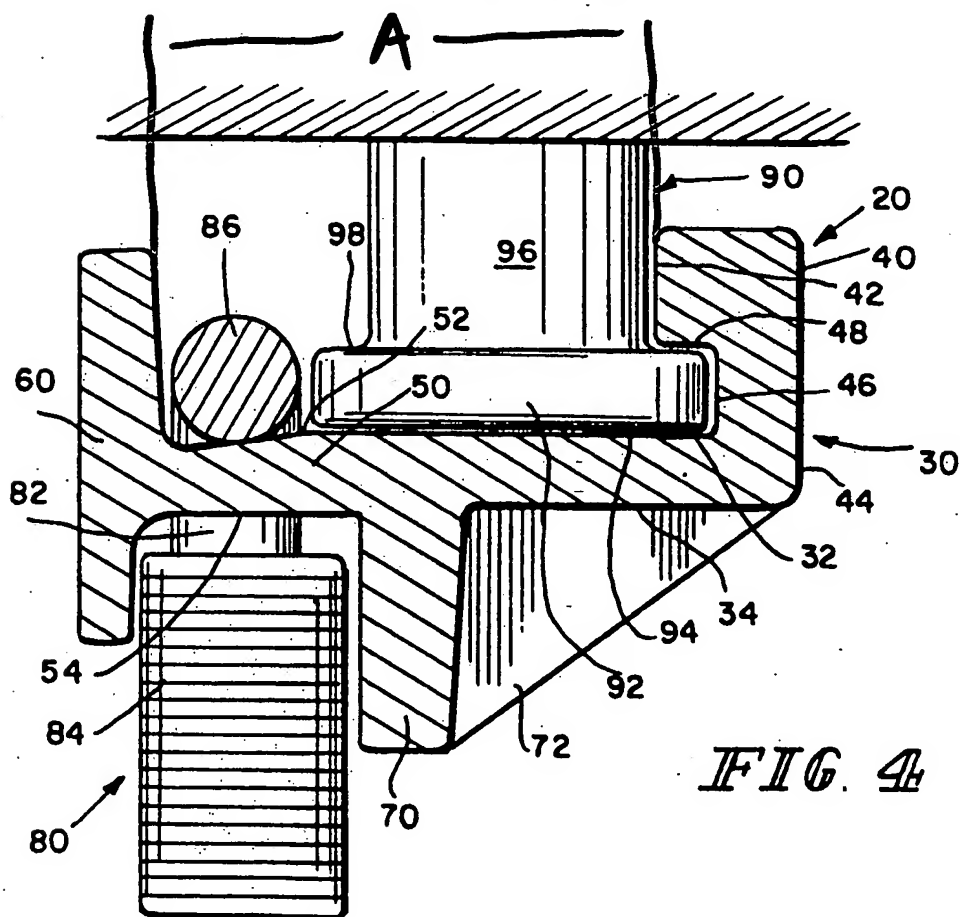


FIG. 4

Examiner's Attachment 1

U.S. Patent

Sep. 5, 1995

Sheet 2 of 2

5,447,044

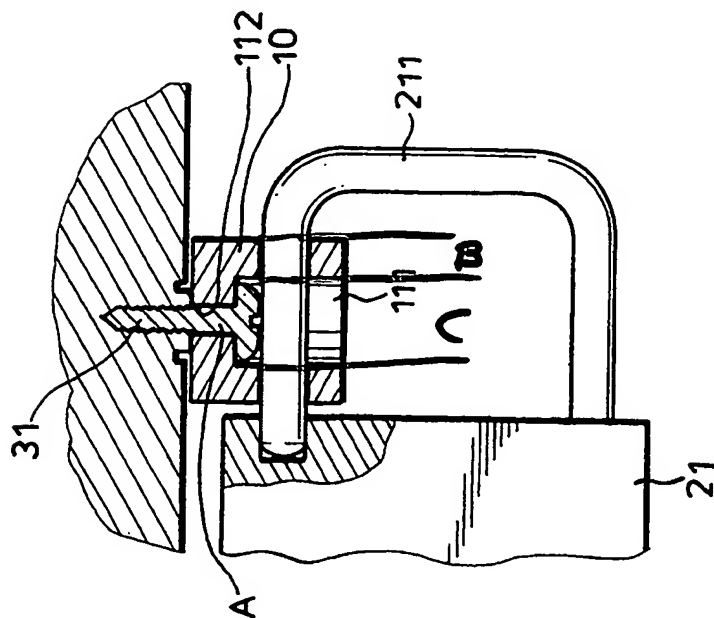


FIG. 3

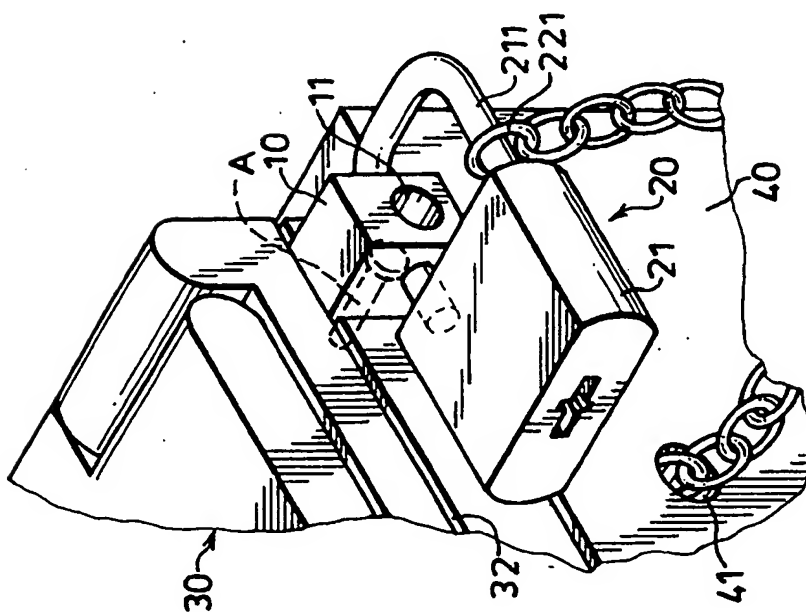


FIG. 2